

NH Tidal Energy Commission Meeting Minutes

NH Department of Environmental Services
Pease Field Office, Portsmouth, NH
September 26, 2008, 1:00 PM

Members:

Rep. Thomas Fargo, Co-Chair, City of Dover
Ted Diers, Vice-Chair, NH Coastal Program
Nancy Borden, Public Appointee
Mike Johnson, National Marine Fisheries Service
Sean McDermott, National Marine Fisheries Service
Jack Pare, Town of Newington
Cliff Sinnott, Rockingham Planning Commission
Eric Steltzer, NH Office of Energy & Planning
Christopher Waszczuk, NH Department of Transportation

Other Attendees:

Christian Williams, NH Coastal Program

Summary:

Co-chair Fargo informed members that they had not yet formally approved the minutes from the April 11th, May 16th and August 8th meetings. He requested comments on the minutes from members. Chris Waszczuk inquired about changing the language of the Commission's first conclusion, as described on page 2 of the May 16th minutes. Specifically, he suggested changing the language from "...it is unlikely that a commercially viable power generation facility can be built beneath the Little Bay and General Sullivan bridges." to "...it remains questionable whether a commercially viable power generation facility can be built beneath the Little Bay and General Sullivan bridges." Members agreed to this change. Mr. Waszczuk then made a motion to approve the April 11th, May 16th (with the aforementioned change) and August 8th minutes. The motion was seconded and then unanimously approved by members. Chris Williams stated that final versions of the minutes would be posted in the near future on the Commission's web page. He also informed members that due to a recent overhaul of the Department of Environmental Services web site, the address of the Commission's web page had changed. The Commission's web page is now located at: http://des.nh.gov/organization/divisions/water/wmb/coastal/ocean_policy/te_commission.htm.

Co-chair Fargo then presented attendees with a Draft Table of Contents for the Commission's Final Report (Report) to the legislature, which is due no later than November 1, 2008. The Table of Contents was comprised of the following sections:

Executive Summary
Section I: Introduction

Section II: Commission Meetings
Section III: Subcommittee Reports
Section IV: Legal Issues
Section V: UNH Tidal Energy Research Activities
Section VI: Conclusions
Section VII: Recommendations for Future Legislation
Appendices

Co-chair Fargo then reviewed the likely contents of each of the sections with attendees. Section II of the Report would include a compilation of all of the Commission's meeting minutes, while Section III would include the reports from each of the Commission's four subcommittees. He acknowledged that the Permitting Requirements Subcommittee report and the Wildlife and Environmental Impact Assessment Subcommittee report are more or less complete. Due to the absence of Ken Baldwin, Commission co-chair and chair of the Technical Feasibility, Cost & Benefit Analysis Subcommittee, co-chair Fargo was uncertain as to the status of the subcommittee's report. Regarding the Public and Business Community Outreach Subcommittee Report, co-chair Fargo stated that he'd contact subcommittee members and assist them, if needed, in the completion of the report.

Co-chair Fargo then reviewed the items that would comprise the Legal Issues section of the Report (Section IV). This section of the report would begin with a summary of the information provided by Evan Mulholland of the Attorney General's Office at the Commission's December 7, 2007 meeting, as well as follow-up information provided by Mr. Mulholland, including details of submerged lands leasing. Section IV would also include a summary of the activities to date of the two Federal Energy Regulatory Commission (FERC) preliminary permit holders, NH Tidal Energy Company and Underwater Electric Kite Corporation, for tidal energy projects in the Piscataqua River. Jack Pare stated that he is in the process of finalizing this information. Key issues regarding the existing FERC preliminary permits include whether they preclude UNH from installing a non-commercial, tidal energy test facility beneath the General Sullivan/Little Bay bridges and how they may affect NHDOT's existing right-of-way beneath the bridges. The final component of the Legal Issues section of the Report would include details of the U.S. Coast Guard's (USCG's) navigational requirements for the areas beneath General Sullivan/Little Bay bridges. Jack Pare, who is in the process of compiling this information, stated that while the USCG's controlling depth for the navigational channel beneath the bridges is 18 feet mllw (mean low low water), depths beneath the bridges approach 35 ft.

The next section of the Report (Section V) would focus on UNH's tidal energy research activities. Although UNH did not receive the two Department of Energy grants that it had recently applied for, co-chair Fargo stated that it is important to stress UNH's role in the development and implementation of tidal energy technologies. Included in this section would be a summary of the June 2008 meeting between NHDOT and Commission co-chair Baldwin regarding UNH's efforts to install a non-commercial, tidal energy pilot facility beneath the General Sullivan/Little Bay bridges.

Co-chair Fargo then reviewed the Commission's three primary conclusions, as originally presented at the Commission's May 16, 2008 meeting. These conclusions would comprise Section VI of the Report.

Co-chair Fargo then asked attendees for recommendations for future legislation that would comprise the Report's final section (Section VII). Vice-chair Diers summarized his findings, based in part on discussions with Mr. Mulholland, regarding submerged lands leasing. Diers reviewed submerged lands legislation in Maine, New Jersey and Connecticut. It appears that the most feasible option would be to create a leasing program focused only on commercial, non-riparian activities within tidal waters. This would not apply to marinas, docks or fishing facilities. Maine uses the revenues from its submerged lands leasing program for various activities related to harbor management including its working waterfront initiative. The Commission members discussed whether the program would be extended into navigable waters and Great Ponds. The commission also discussed if the recommendation should extend to activities other than those that are energy related.

Jack Pare asked whether leasing issues associated with run-of-river facilities should be included with the discussion of tidal/hydrokinetic energy facilities. Diers suggested that the Report clearly define hydrokinetic energy.

Co-chair Fargo suggested the Commission might recommend legislation that would allocate a portion of New Hampshire's Renewable Energy Fund (REF), generated by the state's renewable portfolio standards (RSA 362-F), for hydrokinetic research. This program might follow the example of Rhode Island's program (<http://www.energy.ri.gov/programs/renewable.php>) that has funded two hydrokinetic feasibility studies. In passing HB 1628, the General Court recently authorized the allocation of up to 10% of NH's REF to provide rebates for installing small-scale renewable generation. A similar allocation might be made to fund hydrokinetic feasibility studies in New Hampshire.

Cliff Sinnott asked whether there was a need for an ongoing Tidal Energy Commission or Advisory Council. Diers indicated that the New Hampshire Coastal Program would be willing to convene annual meetings summarizing the status of offshore/tidal renewable energy issues.

The next commission meeting was scheduled for **Friday, October 24, 2008 at 1:00 PM at the NH Department of Environmental Services Pease Office in Portsmouth. Members agreed to submit via email draft versions of the appropriate sections of the Commission's Final Report to Co-chair Fargo by October 17, 2008.**

Meeting was adjourned at 3:00 PM